

1:25-cv-435

**UNITED STATES DISTRICT COURT**

**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JASON R. TODD,**

*Plaintiff,*

**v.**

**DERRY TOWNSHIP, in its official capacity;**

**SELECTIVE INSURANCE COMPANY, in its corporate capacity;**

**NATALIE NUTT, in her official and individual capacities;**

**CARTER WYCKOFF, in her official and individual capacities;**

**MICHAEL CORADO, in his official and individual capacities;**

**DOMINIC GIOVANNIELLO, in his official and individual capacities;**

**RICHARD ZMUDA, in his official and individual capacities;**

**ZACHARY JACKSON, in his official and individual capacities;**

**GARTH WARNER, in his official and individual capacities;**

**DENNIS SHEARER, in his official and individual capacities;**

**PATRICK K. ARMSTRONG, in his official and individual capacities;**

**JOHN J. MARCHIONI, in his official and individual capacities;**

**MICHAEL H. LANZA, in his official and individual capacities;**

**DAVID SWARTZ, in his official and individual capacities;**

*Defendants.*

**FILED**  
HARRISBURG, PA

MAR 10 2025

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**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

**I. INTRODUCTION**

1. Plaintiff, **Jason R. Todd**, brings this action seeking **injunctive relief and damages** due to Defendants' **violations of federal law, civil rights,**

**insurance obligations, obstruction of justice, and fraudulent intimidation tactics** designed to suppress Plaintiff's case.

2. Defendants engaged in **intentional misconduct**, including:

- **Suppression of evidence** related to Plaintiff's assault.
- **Obstruction of justice** by failing to notify the DA's office and withholding key evidence.
- **Bad-faith insurance denial and fraudulent intimidation** through certified mail communications.
- **Unconstitutional retaliation** against Plaintiff for exercising his First Amendment rights.

3. This case integrates **proven legal strategies from landmark civil rights and RICO litigation**, including:

- **Pigford v. Glickman** (systemic discrimination documentation)
  - **Davis et al. v. The St. Louis Housing Authority** (class-action discrimination framework)
  - **Orantes-Hernandez injunction** (unconstitutional policy challenges)
  - **Browder v. Gayle** (public policy changes following constitutional violations)
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## II. JURISDICTION AND VENUE

4. This Court has **jurisdiction** under **28 U.S.C. §§ 1331 and 1343** for federal claims and **28 U.S.C. § 1367** for related state law claims.
  5. **Venue is proper** in the **Middle District of Pennsylvania** under **28 U.S.C. § 1391(b)** because the events occurred within this jurisdiction.
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## III. FACTUAL ALLEGATIONS (CHRONOLOGICAL ORDER)

### **Incident 1: Assault & Suppression of Evidence (September - October 2024)**

- **September 26, 2024** – Plaintiff was violently assaulted by **William Shoemaker**.
  - **October 7, 2024** – **Elizabeth Todd (Plaintiff's spouse)** submitted medical records confirming Plaintiff's **Traumatic Brain Injury (TBI) diagnosis** to **Derry Township Police**. Despite this, no felony charges were pursued.
  - **October 10, 2024** – **Shoemaker pled guilty to summary harassment**. **Derry Township failed to submit evidence to the DA's office, resulting in improper charge classification.**
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## **Incident 2: Plaintiff's Efforts to Seek Justice & Evidence Suppression**

**(December 2024)**

- **December 1, 2024 – Plaintiff submitted (received by Derry Township Police Officer in the Derry Township Police Department) medical records and testimony to Victim Advocate Amber Mann, notifying her of the negligence of Derry Township Police.**
  - **December 6, 2024 – Plaintiff contacted DA Fran Chardo to check the status of the case. DA Chardo stated that his office never received any evidence from Derry Township about the assault. Chardo informed Plaintiff that Shoemaker pleaded guilty to harassment on 10 October and the DA most likely would not be able to reopen the case.**
  - **December 12, 2024 – Plaintiff contacted Victim Advocate Amber Mann, who confirmed she never received any documents or notifications about the case.**
  - **Plaintiff submitted multiple Right-to-Know Law (RTKL) requests, all of which were denied by Derry Township, proving deliberate suppression of evidence.**
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### **Incident 3: Insurance Fraud & Intimidation (December 2024 - January 2025)**

- **December 16, 2024 – David Swartz verbally harassed and victim blamed Plaintiff, stating, "You're a military man. Military men like to fight," in an effort to intimidate Plaintiff based on his veteran status.**
  - **December 16, 2024 – Plaintiff called Selective Insurance customer service to file a formal complaint. Selective Insurance ignored the complaint and took no action.**
  - **December 16, 2024 – Swartz sent fraudulent certified mail attempting to intimidate Plaintiff into abandoning legal action, violating mail fraud statutes (18 U.S.C. § 1341) and bad-faith insurance laws (42 Pa. C.S. § 8371).**
  - **December 17, 2024 – Plaintiff was taken to the hospital for emergency intervention at the Lebanon Veterans Medical Center due to severe PTSD and psychological distress caused by harassment and intimidation from Defendants.**
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**Incident 4: Retaliation & First Amendment Violations (January - February 2025)**

- **Armstrong sent a cease-and-desist letter via certified mail and regular mail, containing false and misleading legal claims, attempting to suppress Plaintiff's free speech and right to legal action.**
  - **The letter was an unconstitutional act of retaliation and obstruction of justice, violating Plaintiff's First Amendment rights.**
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**IV. LEGAL CLAIMS**

**COUNT I – RICO VIOLATIONS (18 U.S.C. § 1962)**

**26. Defendants engaged in fraud, obstruction of justice, and conspiracy to suppress legal claims, constituting a pattern of racketeering activity under RICO.**

**COUNT II – MAIL FRAUD (18 U.S.C. § 1341)**

**27. Swartz and Armstrong knowingly sent fraudulent certified mail to obstruct Plaintiff's lawsuit and intimidate him, violating federal mail fraud laws.**



**COUNT III – FIRST AMENDMENT RETALIATION (42 U.S.C. § 1983)**

**28. Armstrong's cease-and-desist letter was an unconstitutional attempt to silence Plaintiff's criticisms of public officials and corporate misconduct.**

**29. Plaintiff's formal request to have his letter, outlining the violations committed by Derry Township, included in the official minutes and read at the February Derry Township Board Meeting was denied.**

**COUNT IV – CIVIL RIGHTS VIOLATIONS (42 U.S.C. § 1983)**

**30. Derry Township officials deprived Plaintiff of due process and equal protection under the Fourteenth Amendment by failing to investigate his assault.**

**COUNT V – OBSTRUCTION OF JUSTICE (18 U.S.C. § 1512)**

**31. Derry Township, Swartz, and Armstrong actively withheld evidence, sent fraudulent legal threats, and obstructed justice through intimidation tactics.**

**COUNT VI – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (IIED)**

**32. Defendants' harassment, suppression of evidence, and intimidation tactics caused severe PTSD, mental distress, and financial hardship.**

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**V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests this Court to:

A. **Issue a permanent injunction** ordering Defendants to:

- **Release all suppressed police reports, insurance claim documents, and internal records.**
- **Implement ADA and First Amendment compliance measures.**

B. **Declare that Defendants violated Plaintiff's constitutional rights, RICO laws, and ADA protections.**

C. **Grant any additional relief this Court deems necessary.**

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**VI. JURY DEMAND**

**33.Plaintiff demands a trial by jury** on all issues so triable.

**DATED:** March 10, 2025

**Respectfully submitted,**

**Jason R. Todd**

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*Pro Se Plaintiff*